
(2019) 11 SHI CK 0072
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 620 Of 2019

Mohinder Singh & Another	Vs	APPELLANT
Divisional Commissioner Kangra Division & Others		RESPONDENT

Date of Decision : 05-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2019) 11 SHI CK 0072

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : R.P. Singh, Dinesh Thakur, Amit Kumar Dhumal, Divya Sood, Sunny Dhatwalia

Final Decision : Dismissed

Judgement

Ajay Mohan Goel, J

1. By way of this petition, filed under Article 227 of the Constitution of India, petitioners have prayed for the following reliefs:

"It is, therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to exercise its power of superintendence over the subordinate authority, exercising its semi judicial powers, vested under law, by setting aside the impugned orders dated 20.06.2000, dated 25.08.2018 and dated 28.01.2019, contained in Annexures P-2, P-3 and P-5 and further directing respondent No.1 to remand back the partition case No.44/P/99 titled "Mohinder Singh and ors Vs Babu Ram (dead) through LRs and others" to respondent No.3 to decide the partition case No.44/P/1997 afresh, after affording reasonable opportunity of being heard, within a reasonable period, as may be deemed just and proper and such other as may be deemed just and proper in the peculiar facts and circumstances of the case and justice may be done".

2. The petition is misconceived because this Court is not to be treated as a Post Office by the petitioners, especially in view of the statutory remedies which are

available under the provisions of the Land Revenue Act. This observation, the Court is making for the reasons that the petitioners herein are making multiple grievances right from alleged orders having been passed, ignoring the factum of death of certain parties by the revenue official as also alleged inaction on the part of the Divisional Commissioner in the proceedings pending before it under the provisions of the Land Revenue Act. In case the petitioners are aggrieved by some alleged omission on the part of the Divisional Commissioner in the proceedings which may be pending under the provisions of the Land Revenue Act, then the remedy for the petitioners is either to file an appropriate application before the said authority or approach the authority superior to it as is prescribed under the provisions of the Land Revenue Act.

3. Similarly, in case as per the petitioners, there are certain orders which are nullity, then the petitioners can file appropriate application to this effect before that authority itself. For the said purpose, this Court shall not be invoking its jurisdiction under Article 227 of the Constitution of India until and unless the party satisfies this Court that despite its having approached the authority(s) and despite its having exhausted all the remedies available to it under the provisions of the Land Revenue Act, yet the Quasi Judicial Authorities are not performing their duties. Accordingly, this petition is dismissed, however, with liberty to the petitioners to exhaust statutory remedies. Pending miscellaneous applications, if any, also stand dismissed.